



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Squam Byrne, LLC/Map 13, Lot 1

July 7, 2010

Applicant: Squam Byrne, LLC
26 Driftway Lane
Darien, CT 06820

Location: 928 Bean Road, Moultonborough, NH (Tax Map 13, Lot 1)

On June 16, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Squam Byrne, LLC (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (B)(4) to allow for removal of the existing bath house and path and new construction of a bath house on the parcel located in the Agricultural Residential (AR) Zoning District to be located with the required lake setback.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 928 Bean Road (Tax Map 13, Lot 1).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public hearing by Jason Keating.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) Nicol Roseberry, ZBA Alternate, recused herself from this application.
- 6) The applicants' representative waived their right to a five (5) member Board of Adjustment, there being only three (3) members present and able to review the application after Ms. Roseberry recused herself from the application.
- 7) The existing bath house and path are located within the fifty (50) foot lake setback.

- 8) The proposed twelve (12) foot by thirteen (13) foot bath house will be further away from the lake than the existing bath house, but shall remain within the fifty (50) foot lake setback.
- 9) The proposed bath house shall be less non-conforming than the existing bath house.
- 10) During the Public Hearing, it was indicated by the Town Planner that the application requested relief from Art. III (B)(1) and (II) for the fifty (50) foot road setback, but actually is not located within this setback, but rather is within the fifty (50) foot lake setback. The applicant requested, and was granted by the Board, an amendment to their application to Art. III (B)(4), the fifty (50) foot lake setback.
- 11) The property is between Lake Kanasatka and Bean Road and is a narrow strip of land running the length of the lake and road. As such, there is limited area on the parcel to locate the structure, and relocation would likely impact the required road setback.
- 12) There shall be no increase in the amount of impervious area from the existing condition of the site.
- 13) The proposed structure shall require no outside plumbing. The source of water shall be within the structure.
- 14) The required DES Shoreland Permit was produced for the Board at during the Public Hearing.
- 15) No members of the public wished to speak on the application.
- 16) Granting the Variance will not be contrary to the public interest as the use of the lot as a bath house in the past and the proposed new bath house will have no noticeable impact on the public from the previous use.
- 17) Granting the Variance is consistent with the spirit of the Ordinance as the proposal is making the structure less non-conforming than what currently exists.
- 18) By granting the Variance, substantial justice is done.
- 19) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of split lots with limited frontage along Lake Kanasatka and similar lake amenities are located on these lots.
- 20) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size and location were pre-existing to zoning and create a very small available building envelope and relocating the structure outside of the lake setback would result in violation of other setbacks not already effected.
- 21) The Zoning Board of Adjustment voted by a vote of three (3) in favor (Stephens, Hopkins, Nolin), and none (0) opposed to continue the Public Hearing to July 7, 2010, and to direct the

Town Planner to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the July 7, 2010 Regular Meeting.

The Public Hearing was continued to July 7, 2010. The Board of Adjustment closed the Public Hearing on July 7, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Heal, McCarthy), none (0) opposed, to **GRANT** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____